

Mr Goldesboroughs Opinion about Attaints etc<sup>a</sup>

1: In Obedience to your Ex<sup>tes</sup> Commands, I have considered That an Attaint is a Writ that lyeth where a false Verdict in a Court of Record vpon an issue joyned by the parties is given.

2: That there is not any need of Knights to be in the Pannell of the Grand Jury, for that if they be Gentlemen of vnquestionable integrity honour and fidelity, the Law is satisfyed with them, and the Law Requires that they should be persons of such Repute that there may not be the least ground of fear that they will be corrupted, and therefore it may be brought in this province.

3: It must be brought in th<sup>t</sup> Court where the Record of the first Verdict remaineth and not else where. Brook Lit Attaint 21. E. 3. 10. 16 Ass. pl. 4.

4: It may be brought in this Province supposing it to be but as one County and the severall Counties as so many hundreds, out of which the Grand Jury must come.

The words of the Writ of Attaint directed to the Sheriff are etc<sup>a</sup> Et diligent inquirer as qui fuerunt Jurator primæ inquisitionis and by this Writ he must destrain them if they be living, by their Lands to appear etc<sup>a</sup> if they have not any thing whereby they may be destrained, or if they be dead the Sheriff must Return this vpon his Writ, 34 Ass: p 6. And this Writ of Attaint may be maintain'd as long as any two of the petty Jury are living, 2H: 4.18: 12H: 4.10. Br Attaint folio 70: Vide Bro Lit Attaint folio 73.

4 Mi nota dicitur que sur inform fait par le Roy que passer sur issue try, le Roy ne le informer Navera Attaint quar le informor nest pleynem<sup>t</sup> partye et quant le def<sup>t</sup> ad respond, le Attorney le Roy reply le Roy et Nul puis mention est puis del informor et ideo lune ne lauter Navera Attaint.

I am of the same Opinion with this Reporter

Will<sup>m</sup> Dent.

1: When a Man sues a Writ of Error vpon an Erronious Judgm<sup>t</sup> if he sues out a Scire facias ad Audiendum Errores, he cannot after that Assign any Error which is matter of Fact, Rolls Tit Error Fol 762.

2: If he Assign Matter of Fact for Error a sci: fa: shall be Granted, 18H: 6: 19.

And it seemeth to me that vpon the Return of the Sci: Fac: and the Appearance of the Def<sup>t</sup> therevpon in that Court where the Writ of Error is Returnable, and where the Error is Assigned the Plaintiffe and Def<sup>t</sup> shall join issue, which issue must be sent to that Court where the first Cause was Tryed, and shall be there tryed by Twelve Men, and then it shall be sent to that Court where the Writ of Error is depending, and then they must proceed accordingly. This I humbly submit to your Ex<sup>ty</sup> as the Opinion of

Yo<sup>r</sup> Excell<sup>s</sup> most humble Serv<sup>t</sup>

R: Goulesborough